PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number: SVL920030037US1		
I hereby certify that this correspondence is being transmitted via the EFS-Web System to the USPTO on: __December 3, 2008__ Signature:___/David Victor/_____ Typed or Printed Name: David W. Victor	**Application Number:** 10/731,970		**Filed:** December 9, 2003
	First Named Inventor: A.K. HAWLEY et al.		
	Art Unit: 2192	**Examiner:** Zheng Wei	

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached four (4) sheet(s).
        Note: No more than five (5) pages may be provided.

I am the:

☐   applicant/inventor

☐   assignee of record of the entire interest.
    See 37 CFR 3.71. Statement under 37 CFR 3.73(b)
    is enclosed. (Form PTO/SB/96)

☒   attorney or agent of record.
    Registration Number Registration No. 39,867

☐   attorney or agent acting under 37 CFR 1.34
    Registration number if acting under 37 CFR 1.34
_____

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Signature

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_____December 3, 2008_____
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required*.

Applicant(s):	A.K. HAWLEY et al.	Examiner	Zheng Wei
Serial No.	10/731,970	Group Art Unit	2192
Filed	December 9, 2003	Docket No.	SVL920030037US1
TITLE	USER CONFIGURABLE LANGUAGE INDEPENDENT CODE ASSIST ENGINE METHOD, SYSTEM, ARTICLE OF MANUFACTURE, AND COMPUTER PROGRAM PRODUCT		

PRE-APPEAL BRIEF REQUEST FOR REVIEW ARGUMENTS

Applicants request review of the Examiner's rejection of claim 7 as anticipated by Shulman (U.S. Patent No. 6,026,233), claim 22 as obvious over Shulman, and claims 25-26 as obvious over Shulman in view of Roy (U.S. Patetn No. 6,337,693).

With respect to claim 7, Applicants request review of the Examiner's finding in the Response to Arguments section that the cited Shulman discloses the requirement of generating proposals from the cursor position based on previous tokens in the partial program instruction that matched syntax statements if the token on which the cursor is positioned does not match one of the syntax statements. The Examiner found that Shulman is based on matching tokens, so it discloses these requirements. The Examiner cited FIGs. 3 and 4 of Shulman and elements 202, 211, 212, and 220 of FIG. 4. (FOA, pg. 3, 5)

The cited Shulman mentions that after the user types the characters mytext 211, the character position follows the last character. In response to typing the separator character 212, the statement building tool determines the set of menu items that correspond to the object type mytext and a selection menu assist window 220 is displayed. (col. 8, lines 23-48) The cited FIG. 4 of Shulman discusses how if the user types a character, such as "f", then there is an automatic search for menu items that begin with character "f", otherwise if there is no match, then no scrolling occurs. (col. 9, lines 11-20).

Applicants request review because the cited Shulman does not disclose generating proposals based on previous tokens if the token at the current position does not match a syntax statement. In fact, Shulman suggests away from this requirement because Shulman mentions if there is no menu item that begins with the selected character "f", then no scrolling occurs. (col. 9, lines 15-20) For instance, the cited Shulman does not disclose determining whether "f" matches a syntax statement in a syntax library, and then if not, performing the claim requirement of generating proposals based on previous selected characters, i.e., previous tokens in the partial

program instruction that matched syntax statements in the syntax library. Instead, Shulman mentions that upon typing a character, the program finds menu items that match the typed character.

Applicants further request review of the Examiner findings that steps 1337 and 1370 in FIG. 13B and col. 17, lines 40-45 of Shulman disclose the claim requirement of in response to determining that the token on which the cursor is positioned does not match one of the syntax statements generating proposals from the cursor position. (FOA, pg. 5) The cited steps 1337 and 1370 mention that if the token can be resolved, the processing continues. For instance, step 1337 states that if the present argument is a symbol, the assist window is generated. If it is not, control proceeds to step 1370 where control returns to step FIG. 10 or 11 where the statement building tool initializes an editing tool for use by the programmer. Nowhere does the cited Shulman disclose that if there is no match, proposals are generated from the cursor position based on previous tokens in the partial program instruction. Instead, in the cited step 1337 if there is a match with a symbol, the code assist window is generated.

The cited col. 17 mentions if the symbol cannot be resolved, processing continues at step 1338. At step 1338, the context of the present argument token is determined by invoking the compiler to bind against the set of known symbols, and assist window is generated to display the information relevant to the present argument token. This cited col. 17 does not disclose that if there is no match, proposals are generated from the cursor position based on previous tokens in the partial program instruction that matched syntax statements in the syntax library as claimed. Instead, the cited col. 17 mentions that if the symbol cannot be resolved, an assist window is generated to display the information relevant to the present argument token. This does not disclose generating proposals from the cursor position as claimed based on previous tokens that matched syntax statements.

Applicants request review of the Examiner findings in the Response to Arguments that col. 16, lines 41-46 of Shulman discloses the claim requirement of determining whether the tokens match one of a plurality of syntax statements in a syntax library for a computer language in which the partial program instruction statement is written. (FOA, pg. 3) The cited col. 16 mentions that if new information exists relevant to the next segment of the program statement, then processing continues where the new information is displayed in an update to a presently displayed assist window. Applicants submit that col. 16's discussion of displaying new

information relevant to a next segment of a program statement does not disclose determining whether the tokens match one of a plurality of syntax statements in a syntax library for a computer language.

Applicants request review of the Examiner findings that FIG. 13A, step 1334 and col. 17, lines 19-25 of Shulman discloses the claim requirement of determining whether the tokens match one of a plurality of syntax statements in a syntax library for a computer language in which the partial program instruction statement is written. (FOA, pg. 4) The cited step 1334 mentions locating procedure ID token. The cited col. 17 mentions a token representing a procedure identifier for a programming language statement by examining a token in the token list. If it is determined that the identification token is not a symbol that can be resolved, then processing continues. Although the cited col. 17 mentions examining a token in the token list, this cited section of Shulman does not disclose determining tokens that match one of a plurality of syntax statements in a syntax library for a computer language in which the partial program instruction statement is written.

Claim 22:   Applicants request review of the rejection of claim 22 as obvious (35 U.S.C. §103) over Shulman. (FOA, pgs. 8-9) The Examiner recognizes that Shulman does not disclose the claim requirement of determining the computer language in which the partial program instruction statement is written and selecting one of a plurality of syntax libraries to use to determine whether the tokens match one of the plurality of syntax statements in the syntax library specific to the determined computer language. However, the Examiner found that it would have been obvious to select a syntax library having tokens that match the specific computer language. (FOA, pg. 9).

Applicants request review because the Examiner has not cited any art that teaches or suggests having a code assist engine determine the computer language in which the partial program instruction statement is written and then select a syntax library to use. Shulman mentions that its menu assist window is used to facilitate construction of language statements (col. 6, line 63 to col. 7, line 10). However, the Examiner has not cited any suggestion or motivation in Shulman or in any other art that a code assist engine can be used with different programming language statements by determining the computer language of the partial program instruction being considered and then selecting one of the syntax libraries for the determined computer language.

<u>Claims 25-26:</u> Applicants request review of the Examiner's rejection of claims 25 and 26 as obvious (35 U.S.C. §103) over Shulman in view of Roy (U.S. Patent No. 6,337,693) on the grounds that Roy is non-analogous art and, thus, cannot be combined with Shulman to reject the claims, which are directed toward providing a code assist functions to suggest candidates to parse a partial program instruction.

     According to the MPEP:

> Under the correct analysis, any need or problem known in the field of endeavor at the time of the invention and addressed by the patent [or application at issue] can provide a reason for combining the elements in the manner claimed. " KSR International Co. v. Teleflex Inc., 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007). Thus a reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole.

(MPEP, Sec. 2141.01(a), pg. 121-22, 8th ed., July 2008).

     With respect to the first test, Applicants submit that Roy is not in the field of endeavor of the claimed code assist function for suggesting candidates for a partial program statement because Roy concerns enabling viewing of a map pictures generated from vector based data. (Roy, Abstract).

     With respect to the second test, Applicants submit that the technique in Roy for generating a new map picture with additional map data once a map object is chosen (col. 13, lines 20-4) is not reasonably pertinent to the particular problems with which the claims of the present application are concerned. Roy concerns how to generate a map picture based on user selection of map objects. (Roy, cols. 12-13) Applicants submit that one skilled in the art desigining a software development tool comprising a code assist function to help the user complete partial program instructions would not utilize art related to a map viewer to allow the user to view map pictures and associated map data because the fields are so unrelated.

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Dated: December 3, 2008

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